

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MICULKA et al.

Serial No.: 10/644,592

Filed: August 19, 2003

For: PENTOPYRANOSYLNUCLEOSIDE, ITS
PREPARATION AND USE

Group Art Unit: 1623

Examiner: Not Yet Assigned

**PETITION UNDER 37 C.F.R. §1.78(A)(3) FOR
ACCEPTANCE OF CLAIM OF PRIORITY**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for acceptance of a claim of priority that is being presented in the above-referenced non-provisional application after the time period provided by paragraph 37 C.F.R. § 1.78(a)(2)(ii). A claim of priority, preliminary amendment adding the relate-back statement in the specification, and a request for corrected filing receipt is filed herewith. The entire delay between the date that the claim was due (December 19, 2003) and the date that the claim is being filed was unintentional.

As seen in the preliminary amendment filed herewith, the claim of priority is as follows:

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CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

August 27, 2004

Date of Deposit

IR1:1057303.1

Cynthia B. Pacheco
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-- This is a continuation of U.S. Application Serial No. 09/509,058, which was filed on July 27, 2000, now issued as U.S. Patent No. 6,608,186, which is a national stage application of International Application PCT/EP98/05997, filed September 21, 1998, which in turn claims priority to German Application Serial No. 197 41 715.9, filed September 22, 1997. --

The Commissioner is hereby authorized to charge the petition fee (\$1,330.00) and any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 27, 2004

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